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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,828	09/05/2003	Phillip Craig Graves	62941.002015	7150
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LANDMARK INTELLECTUAL PROPERTY LAW, PLLC			EXAMINER	
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			02/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,828

Applicant(s)

GRAVES ET AL.

Examiner

Narayanswamy Subramanian

Art Unit

3695

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.8.16.17.19.20.22.25.27.28.42.43.50.51.53.54.56.61 and 68-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.8.16.17.19.20.22.25.27.28.42.43.50.51.53.54.56.61 and 68-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-592)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicants' communication filed on June 4, 2010, August 31, 2010 and September 27, 2010. Amendments to the specification, amendments to claims 1, 16, 17, 19, 20, 22, 27, 42, 43, 50, 53, 54, 56 and 70 and cancellation of claims 31, 33, 34, 36, 37, 39 and 44 have been entered. Claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 42-43, 50, 51, 53, 54, 56, 61 and 68-71 are currently pending and have been examined. The rejections and response to arguments are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 42-43, 50, 51, 53, 54, 56, 61 and 68-71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 42 recite the limitations "which may include the originating merchant location" and "which may include the originating communication network". The metes and bounds of these limitations are unclear. Specifically the phrase "may include" also includes the interpretation of "may not include".

Claim 27 recites the limitation "the request being transmitted to the central processor from an originating merchant location". It is not clear if the "originating merchant location" in this limitation is the same as the "originating merchant location" recited in claim 1.

Claim 43 recites “wherein the specific processing request is selected from a group consisting of”. The Examiner has interpreted this limitation to be “wherein the specific processing request is selected from a group consisting of”.

Dependent claims are rejected by way of dependency on a rejected claim. The rejections below are interpreted in light of the 112 rejections above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 8, 16, 17, 19, 20, 22, 25, 27, 28, 42-43, 50, 51, 53, 54, 56, 61 and 68-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorsch (US Patent 5,903,633) in view of Van Hoff (US Patent 6,381,631 B1).

Claims 1 and 42, Lorsch teaches a computerized method and a system for securely authorizing and transacting specific processing requests for stored-value cards from an originating merchant location over an originating communications network, the method comprising: storing in a database coupled to a central processor a plurality of records identifying specific merchant locations, which may include the originating merchant location, that are authorized to transact specific processing requests, each of the specific merchant locations identified by an identifier (See the entire document of Lorsch especially Abstract, Figures 1-2, Column 3 lines 25-65 and Column 7 line 27- Column 8 line 10); receiving at the

central processor a processing request for a specific stored-value card along with the identifier of the originating merchant location or originating communication network (See the entire document of Lorsch especially Abstract, Column 7 line 27- Column 8 line10); determining at the central processor whether the received identifier of the originating merchant location or the originating communication network is stored in the database as a trusted source for making the specific processing request (See the entire document of Lorsch especially Abstract, Column 7 line 27- Column 8 line10); responsive to a determination that the received identifier is associated with a trusted merchant location that is stored in the database as a trusted source for making the specific processing request, performing the specific processing request (See the entire document of Lorsch especially Abstract, Column 7 line 27- Column 8 line10). A system for performing the above steps is inherent in the disclosure of Lorsch.

Lorsch does not explicitly teach the steps of storing in a database coupled to a central processor a plurality of records identifying specific communications networks for carrying or transmitting stored value card processing requests, which may include the originating communication network, that are authorized to transact specific processing requests, each of the specific communications networks identified by an identifier; responsive to a determination that the received identifier is associated with a trusted communication network for making the specific processing request; performing the specific processing request; and capturing an identifier of the originating merchant location from which the specific processing request was sent over the originating communications network, deeming that the originating merchant location is a trusted source based upon its use of a trusted communications network, and

storing the captured identifier of the originating merchant location in the database as a trusted merchant location for future processing requests.

Van Hoff teaches the steps of storing in a database coupled to a central processor a plurality of records identifying specific communications networks for carrying or transmitting stored value card processing requests, which may include the originating communication network, that are authorized to transact specific processing requests, each of the specific communications networks identified by an identifier (See the entire document of Van Hoff especially Abstract, Column 3 lines 53-60, Column 8 line 33 – Column 12 line 62); responsive to a determination that the received identifier is associated with a trusted communication network for making the specific processing request, performing the specific processing request (See the entire document of Van Hoff especially Abstract, Column 8 line 33 – Column 12 line 62); and capturing an identifier of the originating merchant location from which the specific processing request was sent over the originating communications network, deeming that the originating merchant location is a trusted source based upon its use of a trusted communications network, and storing the captured identifier of the originating merchant location in the database as a trusted merchant location for future processing requests (See the entire document of Van Hoff especially Abstract Column 8 line 49 – Column 9 line 17; updated information including dial in sequences are interpreted to include these features).

It would have been obvious to one of ordinary skill to combine the teachings of Van Hoff to the invention of Lorsch. The motivation to combine is that it would have helped a user to connect to third parties that are trusted by the system administrator (See Van Hoff Column 3 lines 26-29).

Claim 8, the steps wherein said stored-value card is selected from the group consisting of: a gift card, a prepaid gas card, a prepaid grocery card, a prepaid entertainment card, a card used for downloading ring tones, a card used for downloading software, a card used for downloading music files, and a customer rewards card are old and well known uses of a stored value card. These features make them useful as gift cards also.

Claims 16 and 50, Lorsch teaches the step wherein the originating communications network is a dedicated data circuit (See Lorsch Column 3 lines 16-65).

Claims 17 and 51, Lorsch teaches the step wherein the specific processing request is a request to activate, deactivate, reload, refresh, or refund the stored value card (See Lorsch Column 3 lines 35-45, and claim 4).

Claims 19 and 53, Lorsch teaches the step wherein the originating merchant location is identified by a static IP address, and the determining step is based on whether the static IP address is recoded in the database as a trusted source of processing requests (See Lorsch Abstract, Column 7 line 27- Column 8 line10, location of merchant is interpreted to include a static IP address).

Claims 20 and 54, Lorsch teaches the step wherein the originating merchant location is identified by a static IP address, the originating merchant location enters a password to access a network wherein the password is based on or identical to the static IP address, the originating merchant location communicates with the central processor using the static IP address, and the determining step is based on whether the static IP address is recorded in the database as a trusted source of processing requests (See Abstract, Lorsch Column 7 line 27- Column 8 line 10, location of merchant is interpreted to include an assigned static IP address).

Claims 22 and 56, Lorsch teaches the step wherein the request is transmitted over a public switched telephone network and the merchant location is determined to be a trusted source by performing a step selected from the group consisting of: identifying the telephone number used by the merchant location and communicating an acceptable password or merchant location identifier to the central processor (See Abstract, Lorsch Column 6 lines 35-50 and Column 7 line 36 - Column 8 line 7).

Claim 25, Lorsch teaches the step wherein each record stored in the database further includes a parameter corresponding to the value associated with each respective stored-value card selected from the group consisting of: parameters indicative of predefined time units and parameters indicative of one or more predefined dollar values (See Abstract, Lorsch Column 8 lines 35-40).

Claim 27, Lorsch teaches the step wherein the request to activate, deactivate, reload, refresh, or refund a stored value card is a request for changing a value associated with a respective stored-value card, the request being transmitted to the central processor from an originating merchant location, the central processor configured to accept the request to activate, deactivate, reload, refresh, or refund a stored value card based on whether the respective identifiers stored in the record for the stored-value card match identifiers actually transmitted by the originating merchant location for that stored-value card (See Abstract, Lorsch Column 7 line 36 - Column 8 line 7 and Column 8 lines 40-52, adding minutes implies changing a value associated with a respective stored-value card).

Claim 28, Lorsch teaches the step comprising selectively encoding the requests to activate or deactivate based on a table of predefined codes stored in the database, the

predefined codes being associated with respective user groups or locations (See Lorsch Column 5 line 32 - Column 6 line 5).

Claims 43, Lorsch teaches the steps wherein the specific processing request is selected from a group consisting of: a request to change a status of the stored-value card, a request to activate the stored-value card, a request to deactivate the stored-value card, a request to change the value of the stored-value card, a request to refresh the stored-value card, and a request to redeem the value of the stored-value card (See Lorsch Column 5 line 32 - Column 6 line 5 and Column 7 line 27 - Column 8 line 52, adding minutes implies changing a value associated with a respective stored-value card).

Claim 61, Lorsch teaches the feature wherein said stored-value card is a card used for a purpose, selected from the group consisting of: downloading music files, downloading of games, enabling long distance telephone communication, enabling wireless communication, enabling paging services, enabling internet communication services, and enables wireless web access (See Lorsch Column 4 lines 32-47).

Claim 68, Lorsch teaches the step wherein receiving at the central processor a request from a customer to add stored value to a customer account, the request including a first identifier, wherein the first identifier and the stored value are associated with the stored-value card, and wherein the customer account is managed by a provider (See Lorsch Column 8 lines 33-67); and providing from the central processor a provider identifier associated with the provider to the customer, wherein the provider identifier is effective to add the associated stored value to the customer account (See Lorsch Column 3 line 45 - Column 4 line 10, the return code is interpreted to include the provider identifier).

Claims 69-71, Lorsch teaches the steps of establishing at the central processor communication between the customer and a provider communications system managed by the provider (See Lorsch Column 4 lines 37-47); wherein the provider communications system is an interactive voice recognition (IVR) system (using a special telephone number implies this feature in view of the other disclosure); and wherein the provider communications system is configured to add associated stored value to the customer's account after receiving the provider identifier from the customer (See Lorsch Column 4 lines 15-63, activated PINs implies this feature).

Response to Arguments

6. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are listed on the enclosed PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached at (571) 272-6746. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished

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applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Narayanswamy Subramanian/
Primary Examiner
Art Unit 3695

February 15, 2011